THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.9444 of 1996

Date:21.03.2006

Between:

G.Subramanyam Naidu

-------PETITIONER

AND

The District Collector, Chittoor and others.

---------RESPONDENTS

ORDER:

The petitioner states that he was granted ryotwari patta in respect of Acs.0.47 cents of land in Sy.No.234/2 of Thirchanur village, Chittoor District. His grievance is that even while the patta is in existence, the respondents are trying to dispossess him and he seeks appropriate directions in this regard.

On behalf of the respondents, a counter-affidavit is filed. It is stated that the land in Sy.No.234 of Thirchanur village is part of an irrigation tank spread over about Acs.113.67 ½ cents. Reference was made to a notification issued under Section 3 (3) of the Andhra Pradesh Inams (Abolition and Conversion into Ryotwari Patta) Act 1956, as well as certain other proceedings. It is, ultimately, pleaded that the petitioner is not in possession and he cannot be permitted to put the tank bed to any other use.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The respondents did not deny that the petitioner was granted patta in respect of the said land. Even if it is assumed that the land is part of any tank bed, it can, at the most, disable the petitioner to put the land to any other use. As long as the patta subsists, the right of the petitioner cannot be defeated. If the respondents are of the view that the patta cannot be sustained in law, they have to take necessary steps in accordance with the relevant provisions and till such time, they cannot defeat the rights of the petitioner.

Hence, the writ petition is disposed of, directing that the respondents shall not take any action or steps, defeating the rights of the petitioner, under the patta granted to him, in respect of Acs.0.47 cents of land in Sy.No.234/2 of Thirchanur village, Chittoor District, except by initiating necessary proceedings in accordance with law.

_____

21.03.2006

kdl

-